

REMARKS

Applicant has studied the Office Action dated January 25, 2006. Claims 1-14, 18-23, 25, 32, 33, 35-39, 41, 42 and 44-72 are pending. Claims 1-10, 22, 23, 25, 32, 33, 35-37, 45-62 and 65-69 are withdrawn from consideration. Claims 15-17, 24, 26-31, 34, 40 and 43 are canceled. Claims 11, 38, 42 and 72 are amended. No new matter has been added. Claims 11 and 38 are independent claims.

It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to the Claims

Claim 42 has been amended to correct a grammatical error. It is respectfully submitted that the amendment is not related to patentability.

§ 102 Rejections

Claims 11 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by Applicant's admitted prior art (AAPA). Applicant respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

It is respectfully noted that the Examiner asserts, at paragraph 2 on page 3 of the Office action, that paragraphs 15 and 17 of the specification disclose all the limitations recited in claims 11 and 38. It is further respectfully noted that the cited paragraphs disclose the prior art apparatus and method wherein the received PDU is deciphered after a receiving buffer such that the receiving buffer stores a ciphered PDU and, therefore, must be able to decipher the PDU, thereby resulting in deciphering being performed unnecessarily. See specification at paragraphs 18-19 and FIG. 1, which

illustrates “Deciphering 110” after the “Receiver buffer and retransmission management 109.”

It is further respectfully noted that claims 11 and 38 have been amended with this paper to more clearly disclose the invention by reciting that deciphering is performed prior to a receiving buffer such that the receiver buffer stores deciphered PDUs. Support for the amendment may be found in the specification as originally filed at paragraph 34 and FIGS. 7A and 7B, with FIG. 7B specifically illustrating “Deciphering receiving side 222” prior to the “Receiver buffer and retransmission management 223.” It is respectfully submitted that by performing deciphering prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, the present invention addresses the prior art disadvantage of reduced processing speed and efficiency and degraded system performance due to unnecessary deciphering. See specification at paragraph 20.

It is respectfully submitted that by disclosing that the receiving buffer stores ciphered PDUs, the AAPA fails to completely disclose the invention as recited in independent claims 11 and 38. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the AAPA.

§ 103 Rejections

Claims 13, 14, 41, 63, 70 and 72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Rostoker et al. (“Rostoker” U.S. Pat. No. 5,708,659). This rejection is respectfully traversed.

It is respectfully noted that the Federal Circuit has provided that an Examiner must establish a case of prima facie obviousness. Otherwise the rejection is incorrect and must be overturned. As the court recently stated in In re Rijkaert, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993):

It is further respectfully noted that “In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. ‘A prima facie case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a

person of ordinary skill in the art.’ If the examiner fails to establish a prima facie case, the rejection is improper and will be overturned.” (citations omitted.)

It is respectfully submitted that Rostoker fails to cure the deficiencies of the AAPA previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claims 11 and 38. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the asserted combination of references, as are claims 13, 14, 41, 63, 70 and 72 by virtue of their dependence from, respectively, claims 11 and 38.

Claims 12 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Forssell et al. (“Forssell” U.S. Pat. No. 6,683,860). This rejection is respectfully traversed.

It is respectfully submitted that Forssell fails to cure the deficiencies of the AAPA previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claims 11 and 38. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the asserted combination of references, as are claims 12 and 39 by virtue of their dependence from, respectively, claims 11 and 38.

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view Rostoker in further view of Forssell and Parmar et al. (“Parmar” U.S. Pat. No. 6,725,039). This rejection is respectfully traversed.

It is respectfully submitted that Parmar fails to cure the deficiencies of the AAPA, Rostoker and Forssell previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claim 11. Therefore, it is respectfully asserted that independent claim 11 is allowable over the asserted combination of references as is claim 18 by virtue of its dependence from claim 11.

Claim 44 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view Rostoker in further view of Forssell and Parmar. This rejection is respectfully traversed

As previously respectfully submitted, Forssell and Parmar fail to cure the deficiencies of the AAPA previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claim 38. Therefore, it is respectfully asserted that independent claim 38 is allowable over the asserted combination of references as is claim 44 by virtue of its dependence from claim 38.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Rostoker in view of Forssell and Parmar in further view of Grover et al. ("Grover" U.S. Pat. No. 5,497,404). This rejection is respectfully traversed.

It is respectfully submitted that Grover fails to cure the deficiencies of the AAPA in view of the AAPA, Rostoker, Forssell and Parmar previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claim 11. Therefore, it is respectfully asserted that independent claim 11 is allowable over the asserted combination of references, as is claim 19 by virtue of its dependence from claim 11.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Rostoker in view of Forssell and Parmar in further view of Grover and Choi et al. ("Choi" U.S. Pat. No. 6,272,117). This rejection is respectfully traversed.

It is respectfully submitted that Choi fails to cure the deficiencies of the AAPA, Rostoker, Forssell, Parmar and Grover previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claim 11. Therefore, it is respectfully asserted that independent claim 11 is allowable over the asserted combination of references, as is claim 20 by virtue of its dependence from claim 11.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Rostoker in view of Forssell and Parmar in further view of Grover, Choi and Lindquist (U.S. Pat. No. 5,838,782). This rejection is respectfully traversed.

It is respectfully submitted that Lindquist fails to cure the deficiencies of the AAPA, Rostoker, Forssell, Parmar, Grover and Choi previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claim 11. Therefore, it is

respectfully asserted that independent claim 11 is allowable over the asserted combination of references, as is claim 21 by virtue of its dependence from claim 11.

Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Rostoker in further view of Grover. This rejection is respectfully traversed.

As was previously respectfully submitted, Grover fails to cure the deficiencies of the AAPA and Rostoker previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claim 38. Therefore, it is respectfully asserted that independent claim 38 is allowable over the asserted combination of references, as is claim 42 by virtue of its dependence from claim 38.

Claims 64 and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the AAPA in view of Rostoker in further view of Treadaway et al. ("Treadaway" U.S. Pat. No. 6,480,477). This rejection is respectfully traversed.

It is respectfully submitted that Treadaway fails to cure the deficiencies of the AAPA and Rostoker previously identified with regard to deciphering performed prior to a receiving buffer such that that the receiving buffer stores deciphered PDUs, as recited in independent claims 11 and 38. Therefore, it is respectfully asserted that independent claims 11 and 38 are allowable over the asserted combination of references as are claims 64 and 71 by virtue of their dependence from, respectively, claims 11 and 38.

CONCLUSION

In light of the above remarks, Applicant submits that claims 11-14, 18-21, 38, 39, 41, 42, 44, 63, 64 and 70-72 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

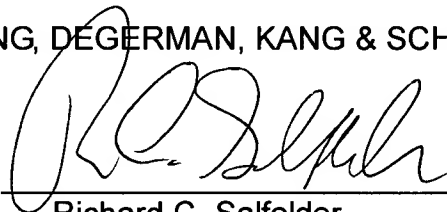
No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

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